

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Supporting Survivors of Domestic and Sexual)	WC Docket No. 22-238
Violence)	
)	
)	

REPLY COMMENTS OF THE ALLIANCE FOR AUTOMOTIVE INNOVATION

Scott D. Delacourt
Stephen J. Conley
Scott Bouboulis

Hilary Cain, SVP, Policy

Wiley Rein LLP
2050 M Street NW
Washington, DC 20036

Alliance for Automotive Innovation
1050 K Street, NW
Suite 650
Washington, DC 20001

*Counsel for Alliance for Automotive
Innovation*

June 24, 2024

TABLE OF CONTENTS

I. INTRODUCTION AND SUMMARY 3

II. AUTO INNOVATORS IS WORKING WITH LAWMAKERS AND DOMESTIC VIOLENCE ORGANIZATIONS TO DEVELOP LEGISLATION TO PREVENT THE MISUSE OF CONNECTED CAR SERVICES BY ABUSERS. 4

A. The Auto Industry Is Committed to Improving the Safety of Connected Car Services and Working with Stakeholders to Protect Domestic Violence Survivors. 5

B. The SCA Does Not Authorize the FCC to Regulate OEMs’ Privacy and Data Collection Practices. 7

III. THE SCA’S LINE SEPARATION REQUIREMENTS ARE NOT APPLICABLE TO CONNECTED CAR OFFERINGS. 8

IV. CONNECTED CAR OFFERINGS ARE BEST CLASSIFIED AS INFORMATION SERVICES, AND WI-FI IS PROVIDED BY WIRELESS PROVIDERS. 11

V. CONCLUSION 12

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Supporting Survivors of Domestic and Sexual Violence)	WC Docket No. 22-238
)	
)	
)	

REPLY COMMENTS OF THE ALLIANCE FOR AUTOMOTIVE INNOVATION

I. INTRODUCTION AND SUMMARY

The Alliance for Automotive Innovation (“Auto Innovators”), which represents the automotive ecosystem in the United States, including automakers, suppliers, and technology companies, hereby submits these reply comments on the Federal Communications Commission’s (“FCC” or “Commission”) Further Notice of Proposed Rulemaking (“FNPRM”) in the above-captioned proceeding.¹ Auto Innovators and its members are committed to protecting survivors of domestic violence from abusers that seek to misuse connected vehicle services to stalk or harass their victims. In furtherance of this commitment, Auto Innovators continues to work with legislators, domestic violence groups, and other interested stakeholders to develop legislation that can complement the Safe Connections Act (“SCA”) by helping to prevent the misuse of connected vehicle services.

While Auto Innovators supports comprehensive federal privacy legislation, the SCA does not empower the Commission to regulate original equipment manufacturers’ (“OEM”) privacy and data collection practices. Even if the agency did have the statutory authority to

¹ *Supporting Survivors of Domestic and Sexual Violence*, WC Docket No. 22-238, Further Notice of Proposed Rulemaking, FCC 24-38 (rel. Apr. 8, 2024) (“FNPRM”).

promulgate such regulations, Auto Innovators implores the Commission to refrain from adding to the existing patchwork of federal and state privacy and data collection laws. Any new regulation would create compliance challenges while fomenting consumer confusion.

Despite claims from a handful of commenters that the SCA is applicable to automakers, the SCA narrowly requires the FCC to establish line separation requirements for mobile service contracts with *multiple* lines of service. Connected vehicle services only utilize a single line of service, making compliance with the SCA's line separation requirements inapplicable. Finally, connected vehicle services are best classified as information services because they are not sending user-generated communications and are not configured to allow customers to make or receive calls, send or receive messages, or directly transfer data to other users. The record also demonstrates that Wi-Fi in connected cars is not provided by OEMs to consumers, but instead through wireless providers.

II. AUTO INNOVATORS IS WORKING WITH LAWMAKERS AND DOMESTIC VIOLENCE ORGANIZATIONS TO DEVELOP LEGISLATION TO PREVENT THE MISUSE OF CONNECTED CAR SERVICES BY ABUSERS.

Commenters make a number of suggestions intended to bolster protections for domestic violence survivors and to prevent the misuse of connected car services.² While Auto Innovators welcomes recommendations to improve the efficacy of Auto Innovators' proposed legislation and encourages further discussion to explore solutions to this pressing issue, regulation of OEMs' privacy and data collection practices is not within the purview of the SCA.

² See, e.g., Comments of Privacy4Cars, WC Docket No. 22-238, at 3-21 (filed May 23, 2024) ("Privacy4Cars Comments"); Comments of the Electronic Privacy Information Center and Public Knowledge, WC Docket No. 22-238, at 2-9 (filed May 23, 2024) ("EPIC/PK Comments"); Comments of the National Network to End Domestic Violence, WC Docket No. 22-238, at 6-7 (filed May 23, 2024) ("NNEDV Comments").

A. The Auto Industry Is Committed to Improving the Safety of Connected Car Services and Working with Stakeholders to Protect Domestic Violence Survivors.

As Auto Innovators explained in its comments, the automotive industry is dedicated to protecting the privacy and security of customers and drivers—including survivors of domestic violence.³ In furtherance of that goal, Auto Innovators is working collaboratively with members of Congress and domestic violence organizations to develop legislation that would complement the SCA by helping to prevent the misuse of connected car services by domestic abusers.⁴ An updated version of that legislative proposal is appended to these reply comments as **Attachment A**, and a redline showing updates from the previous version of Auto Innovators’ legislative proposal circulated with Auto Innovators’ opening comments is appended as **Attachment B**.

Commenters have suggested edits to Auto Innovators’ legislative proposal⁵ and encouraged the FCC to “collaborate with privacy and domestic violence experts in the implementation process to identify the documentation requirements that will result in the least burden on survivors, while also minimizing opportunities for abuse and fraud.”⁶ Auto Innovators welcomes further discussion regarding ways to improve its legislative proposal. The auto industry also wholeheartedly agrees with the suggestion of the Center for Democracy & Technology, the Communications Workers of America, & the Cyber Civil Rights Initiative, *et al.*

³ See Comments of the Alliance for Automotive Innovation, WC Docket No. 22-238, at 2 (filed May 23, 2024).

⁴ *Id.* at 2-3.

⁵ Privacy4Cars Comments at 26-28; NNEDV Comments at 8.

⁶ Comments of the Center for Democracy & Technology, the Communications Workers of America, & the Cyber Civil Rights Initiative, *et al.*, WC Docket No. 22-238, at 2 (filed May 23, 2024).

that the Commission should encourage collaboration between experts to ensure that survivor documentation requirements minimize the burdens on survivors that make requests.⁷

Additionally, commenters request that OEMs ensure that cars are capable of disconnecting connected car services from within the vehicle.⁸ Some OEMs already have this capability,⁹ and other automakers are working to build in this and other privacy controls. Given OEM production cycles, however, the testing, development, and deployment of in-vehicle solutions will take time.¹⁰ Moreover, Auto Innovators encourages the Commission, industry, and other stakeholders to avoid focusing on a single solution and to allow for innovation to address this pressing issue.

⁷ *Id.* at 2.

⁸ See Comments of the Clinic to End Tech Abuse at Cornell Tech and the Madison Tech Clinic at the University of Wisconsin-Madison, WC Docket No. 22-238, at 4 (filed May 23, 2024) (“Physical proximity overrides: An individual with physical proximity to the vehicle should be able to manually disable or override connected car features affecting use, enjoyment, or privacy within the vehicle (e.g. radio, temperature, lock/unlock).”); see also EPIC/PK Comments at 7.

⁹ See, e.g., Letter from Christopher A. Smith, Chief Government Affairs Officer, Ford Motor Company, to The Honorable Jessica Rosenworcel, Chairwoman, FCC, WC Docket No. 22-238, at 2 (filed Feb. 2, 2024) (“Importantly, we offer in-vehicle settings that provide our customers with a choice as to whether they wish to share connected vehicle data. Anyone who is concerned about tracking for purposes of domestic abuse or otherwise, has options using the touchscreen controls *in the vehicle* to . . . Exercise granular controls to turn off location data sharing while still enjoying connected features that do not rely on location (e.g., could not use the ‘Find my Vehicle’ feature, but could still receive Vehicle Health Alerts); . . . Turn off connectivity entirely (resulting in a disconnection from the cellular network); and . . . Dissociate the vehicle from the app (which cannot be reversed remotely). Notably, once a customer has used the in-vehicle controls to turn off location data sharing, such sharing cannot be re-enabled through the *FordPass* and *Lincoln Way* apps. A customer also cannot establish (or re-establish) a connection between their *FordPass* or *Lincoln Way* app and a vehicle without access to the *in-vehicle* touchscreen controls.”).

¹⁰ In particular, it typically takes 5 years to bring new technology to market for a single product platform and up to 10 years to phase technology in across the entire product portfolio.

B. The SCA Does Not Authorize the FCC to Regulate OEMs’ Privacy and Data Collection Practices.

Commenters ask the Commission to impose a variety of privacy, data collection, and data security regulations on OEMs.¹¹ While Auto Innovators and its members have long supported comprehensive federal privacy legislation, the SCA does not authorize the FCC to promulgate privacy and data protection regulations for OEMs. Moreover, Auto Innovators implores the FCC to avoid adding to the complex patchwork of existing federal and state privacy and data security laws, regardless of the agency’s authority.

Auto Innovators and its members are strong supporters of comprehensive federal privacy law “that provides consistent protections to consumers across the United States.”¹² In so doing, Auto Innovators has encouraged Congress to consider implementing the following principles from Auto Innovators’ *Privacy Principles for Vehicle Technologies and Services*¹³—

- Providing consumers with ready access to clear, meaningful notices about the collection, use, and sharing of identifiable information;
- Obtaining affirmative consent before using sensitive information for marketing purposes;

¹¹ See, e.g., Privacy4Cars Comments at 7-8 (automakers should be required to “easily understand (e.g. through a webpage) what type of connectivity a vehicle may have, what data it collects, with what types of companies it may share this data with, and whether the vehicle is compatible with mobile apps and what capabilities those apps offer, and what steps they can take and how to contact the manufacturer to protect themselves”); EPIC/PK Comments at 8 (arguing that the burden should be on OEMs to “make [sure] their features are easy to use or active by default, rather than putting the burden on survivors to be aware of—and to find the time, energy, and technological expertise to take advantage of—these programs or features”).

¹² Letter from John Bozzella, President & CEO, Alliance for Automotive Innovation, to The Honorable Kevin McCarthy, The Honorable Hakeem Jeffries, The Honorable Charles Schumer, and The Honorable Mitch McConnell, at 1 (Sept. 5, 2023), <https://www.autosinnovate.org/association-update/1-Alliance%20for%20Automotive%20Innovation%20Letter%20on%20Federal%20Privacy%20Legislation.pdf>.

¹³ Consumer Privacy Protection Principles: Privacy Principles for Vehicle Technologies and Services, Alliance for Automotive Innovation (updated March 2022), https://www.autosinnovate.org/innovation/Automotive%20Privacy/Consumer_Privacy_Principle_sfor_VehicleTechnologies_Services-03-21-19.pdf.

- Obtaining affirmative consent before sharing sensitive information with unaffiliated third parties;
- Using and sharing identifiable information only in ways that are consistent with the context in which the information was collected;
- Collecting and retaining identifiable information only as needed for legitimate business purposes; and
- Implementing reasonable measures to protect identifiable information against loss and unauthorized access or use.¹⁴

The SCA, however, does not authorize the Commission to promulgate privacy and data protection regulations for OEMs. Instead, the SCA is focused on creating rules by which mobile service providers must complete survivor line separation requests.¹⁵

The privacy space is already governed by a patchwork of overlapping federal and state privacy and data security laws, with more coming. All 50 states and all U.S. territories have breach notification laws,¹⁶ and 18 states have now passed comprehensive consumer privacy laws.¹⁷ Adding additional privacy and data security regulators to the mix risks increasing compliance complexities and costs and fomenting consumer confusion.

III. THE SCA'S LINE SEPARATION REQUIREMENTS ARE NOT APPLICABLE TO CONNECTED CAR OFFERINGS.

The SCA creates specific line separation requirements for service contracts with at least two mobile phone lines, and the statute does not grant the Commission broad regulatory

¹⁴ Letter from John Bozzella, President & CEO, Alliance for Automotive Innovation, to The Honorable Kevin McCarthy, The Honorable Hakeem Jeffries, The Honorable Charles Schumer, and The Honorable Mitch McConnell, at 2 (Sept. 5, 2023), <https://www.autosinnovate.org/association-update/1-Alliance%20for%20Automotive%20Innovation%20Letter%20on%20Federal%20Privacy%20Legislation.pdf>.

¹⁵ Safe Connections Act of 2022, Pub. L. No. 117-223, § 4(b), 136 Stat. 2280, 2281-83.

¹⁶ See *Security Breach Notification Laws*, National Conference of State Legislatures, <https://www.ncsl.org/technology-and-communication/security-breach-notification-laws> (last updated Jan. 17, 2022).

¹⁷ See *US State Privacy Legislation Tracker*, IAPP, <https://iapp.org/resources/article/us-state-privacy-legislation-tracker/#enacted-laws> (last updated June 17, 2024).

authority. The SCA applies to “covered providers” and their “shared mobile service contracts.”¹⁸ While these are the threshold definitions that determine which entities Congress has targeted with its statutory rules, the SCA’s text creates specific requirements for *line separation*. Under the statutory text, the specific line separation requirements only apply to “a shared mobile service contract under which the survivor and the abuser *each use a line*.”¹⁹ This qualification demonstrates that the SCA’s rules are limited to mobile service contracts that include shared lines between abusers and survivors. Indeed, the Commission’s implementing rules provide more clarity by defining “shared mobile service contract” as “a mobile service contract for an account that includes not less than two lines of service.”²⁰ The rules also specify that a “line of service” is connected with a telephone number.²¹ In the SCA Order, the Commission explained that such a definition of “mobile service contract” avoids logistical obstacles to obtaining a line separation request.²² The Commission also reasoned that its definition better tracks the statutory authority granted under the SCA, because “we find that the operational language of the SCA supports our interpretation, as it requires providers *to separate particular lines rather than particular consumers* from shared mobile service contracts.”²³ The Commission was correct; the

¹⁸ 47 U.S.C. § 345(a)(3), (5).

¹⁹ *Id.* § 345(b)(1) (emphasis added).

²⁰ 47 C.F.R. § 64.6400(k).

²¹ *Id.*

²² *Supporting Survivors of Domestic and Sexual Violence; Lifeline and Link Up Reform Modernization; Affordable Connectivity Program*, WC Docket Nos. 22-238, 11-42, 21-450, Report and Order, FCC 23-96, ¶ 19 (rel. Nov. 16, 2023) (“SCA Order”) (explaining that “providers may not have information about any users other than the primary account holder and are therefore unlikely to be able to determine whether an account is a shared mobile service contract (i.e., has two or more consumers). Our interpretation, however, resolves this issue without requiring providers to collect additional information about each user of a multi-line account . . .”) (internal citation omitted).

²³ *Id.* (emphasis added).

SCA creates requirements for separating particular *phone lines*, not separating individual *consumers* from shared mobile service contracts. Accordingly, the statute is focused on creating requirements that allow domestic abuse survivors to separate their phone lines from their abusers. Auto Innovators supports this goal, but stresses that the statute does not grant the FCC broad regulatory authority over covered providers and their shared mobile service contracts generally.

Connected car services do not utilize two or more phone lines, making the line separation requirements of the SCA inapplicable to OEMs. As the Commission’s implementing rules and the text of the SCA make clear, line separation is only possible when a mobile service contract has more than one line. Vehicles with connected car services, however, only utilize a *single line* to support such services, and that line is provided through a telematics control unit (“TCU”). Line separation is not possible in connected vehicles for a simple reason: there are no lines to separate. Indeed, commenters in the record note that there are implementation challenges associated with separating lines for connected vehicle services.²⁴ Accordingly, because connected car services only utilize one phone number, the SCA’s line separation requirements are inapplicable to OEMs.

Given the statutory and logistical hurdles to separating lines for connected car services, the FCC should not create new rules under the SCA specifically applicable to OEMs.

Commenters in the docket argue that the Commission should create new rules under the SCA to broadly apply line separation requirements.²⁵ However, the Commission should not amend its

²⁴ See, e.g., EPIC/PK Comments at 10 (“Similarly, it is unclear at present whether line separation can only be effectuated where there are multiple vehicles, each with its own number, or whether multiple accounts associated with same vehicle could also be subject to separation.”).

²⁵ See, e.g., *id.* at 15-16; Comments of Free Press, WC Docket No. 22-238, at 11-12 (filed May 23, 2024).

current rules or create new rules under the SCA, given the lack of authority under the SCA to broadly apply line separation requirements. OEMs would also face logistical challenges in trying to effectuate any rules specific to connected car services. Instead, the FCC should support the Auto Innovators' proposed legislation described in Section II above, which would create rules carefully tailored to allow survivors to terminate an abuser's access to connected vehicle services.

IV. CONNECTED CAR OFFERINGS ARE BEST CLASSIFIED AS INFORMATION SERVICES, AND WI-FI IS PROVIDED BY WIRELESS PROVIDERS.

Regarding regulatory classifications, connected car offerings most closely match the definition of an "information service." Under the Communications Act, an "information service" is defined as:

[T]he offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications, and includes electronic publishing, but does not include any use of any such capability for the management, control, or operation of a telecommunications system or the management of a telecommunications service.²⁶

This definition is contrasted with the Commission's definition of "telecommunications services," which refer to the "offering of telecommunications for a fee directly to the public."²⁷ "Telecommunications" is defined as "transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received."²⁸ Notably, the information sent by a connected car's TCU, in most cases, is not sent between or among points specified by the end user, and the form and content of the information is often changed. For example, TCUs sending vehicle position

²⁶ 47 U.S.C. § 153(24).

²⁷ *Id.* § 153(53).

²⁸ *Id.* § 153(50).

information are not sending end user-generated communications without change to that content, nor would such information be “between or among points specified by the user.” While wireless providers typically assign unique phone numbers to vehicle telematics systems, such systems are not configured to connect to the Public Switched Telephone Network (“PSTN”) and are not configured to allow customers to make or receive calls, send or receive messages, or directly transfer data to all other users of the PSTN.²⁹ Instead, connected car services allow users the capability of acquiring, retrieving, or utilizing telematics information via telecommunications. As a result, connected car services are best classified as information services.

In addition, Wi-Fi in connected cars is not provided by OEMs to consumers, but instead through wireless providers. The record demonstrates that wireless providers offer Wi-Fi services directly to consumers.³⁰ As a general matter, OEMs do not directly offer Wi-Fi or broadband to consumers, and lack service relationships with consumers for Wi-Fi services.

V. CONCLUSION

Auto Innovators is committed to working with Congress, the FCC, domestic violence groups, and other stakeholders to develop companion legislation to the SCA that prevents abusers from misusing connected vehicle services to harm and harass domestic violence

²⁹ *See, e.g.*, Letter from Angela E. Giancarlo, Counsel for Toyota Motor North America, Inc., to The Honorable Jessica Rosenworcel, Chairwoman, FCC, WC Docket No. 22-238, at 5 (filed Jan. 26, 2024); Letter from Jake Jones, Vice President of External Affairs, Mercedes-Benz North America, to The Honorable Jessica Rosenworcel, Chairwoman, FCC, WC Docket No. 22-238, at 2 (filed Jan. 26, 2024).

³⁰ Comments of CTIA, WC Docket No. 22-238, at 5-6 (filed May 23, 2024); Letter from William H. Johnson, Senior Vice President, Verizon, to The Honorable Jessica Rosenworcel, Chairwoman, FCC, WC Docket No. 22-238, at 2 (filed Jan. 26, 2024); Letter from Edward (“Smitty”) Smith, Senior Vice President, Public Policy and Government Affairs, T-Mobile USA, Inc., to The Honorable Jessica Rosenworcel, Chairwoman, FCC, WC Docket No. 22-238, at 3 (filed Jan. 26, 2024); Letter from Rhonda J. Johnson, Executive Vice President, Federal Regulatory Relations, AT&T Services, Inc., to The Honorable Jessica Rosenworcel, Chairwoman, FCC, WC Docket No. 22-238, at 1-2 (filed Jan. 26, 2024).

survivors. Auto Innovators also welcomes input on its legislative proposal from record commenters and other interested parties. However, the SCA neither grants the FCC authority to regulate OEMs' data privacy and data collection practices broadly, nor applies to automakers' connected vehicle services, because the SCA's line separation requirements only apply to mobile service contracts with multiple lines of service. Because the SCA does not apply to automotive manufacturers, the Commission should instead support the Auto Innovators' proposed draft legislation that would complement the SCA.

Respectfully submitted,

/s/ Hilary Cain

Scott D. Delacourt
Stephen J. Conley
Scott Bouboulis

Hilary Cain, SVP, Policy

Wiley Rein LLP
2050 M Street NW
Washington, DC 20036

Alliance for Automotive Innovation
1050 K Street, NW
Suite 650
Washington, DC 20001

*Counsel for Alliance for Automotive
Innovation*

June 24, 2024

ATTACHMENT A

SECTION 1. DEFINITIONS.

(a) **ABUSER.** – The term “abuser” means an individual identified by a survivor pursuant to section 3 who has committed or allegedly committed a covered act against a survivor making a connected vehicle services request.

(b) **ACCOUNT HOLDER.** – The term “account holder” means an individual who is –

(1) a party to a contract with a covered provider that involves a connected vehicle service; or

(2) a subscriber, customer, or registered user of a connected service.

(c) **CONNECTED VEHICLE SERVICE.** – The term “connected vehicle service” means any capability provided by or on behalf of a motor vehicle manufacturer that enables a person to remotely obtain data from or send commands to a covered vehicle, which may be accomplished through a software application that is designed to be operated on a mobile device.

(d) **CONNECTED VEHICLE SERVICE REQUEST.** – The term “connected vehicle service request” means a request by a survivor to terminate or disable an abuser’s access to a connected vehicle service.

(e) **COVERED ACT.** –

(1) **IN GENERAL.** – The term ‘covered act’ means conduct that constitutes –

(A) a crime described in section 40002(a) of the Violence Against Women Act of 1994 (34 U.S.C. 12291(a)), including domestic violence, dating violence, sexual assault, stalking, and sex trafficking;

(B) an act or practice described in paragraph (11) or (12) of section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102) (relating to severe forms of trafficking in

persons and sex trafficking, respectively); or

(C) an act under State law, Tribal law, or the Uniform Code of Military Justice that is similar to an offense described in clause (i) or (ii).

(2) CONVICTION NOT REQUIRED. – Nothing in paragraph (1) shall be construed to require a criminal conviction or any other determination of a court in order for conduct to constitute a covered act.

(f) COVERED CONNECTED VEHICLE SERVICE ACCOUNT. – The term “covered connected vehicle services account” means an account or other means by which a person enrolls in or obtains access to a connected vehicle service.

(g) COVERED PROVIDER. – The term ‘covered provider’ means a motor vehicle manufacturer or an entity acting on behalf of the motor vehicle manufacturer that provides a connected vehicle service.

(h) COVERED VEHICLE. – The term ‘covered vehicle’ means a motor vehicle that is the subject of a connected vehicle request and identified by a survivor pursuant to section 3.

(i) EMERGENCY SITUATION. – The term ‘emergency situation’ means a situation that if allowed to continue poses an imminent threat of serious bodily harm or death to an individual.

(j) IN-VEHICLE INTERFACE. – The term “in-vehicle interface” means a feature or mechanism installed in a vehicle that allows a person within the vehicle to terminate or disconnect connected vehicle services.

(k) SURVIVOR. – The term “survivor” means an individual who is not less than 18 years old and against whom a covered act has been committed or allegedly committed.

SECTION 2. PROTECTION OF SURVIVORS.

- (a) **IN GENERAL.** – Notwithstanding an abuser being an account holder, not later than 2 business days after receiving a connected vehicle service request from a survivor pursuant to Section 3, a covered provider shall take one or more of the following actions –
- (1) terminate or disable a covered connected vehicle service account associated with an abuser identified in the connected vehicle service request pursuant to Section 3;
 - (2) terminate or disable a covered connected vehicle service account associated with the covered vehicle, including by resetting or deleting any data or wireless connection with respect to the covered vehicle, and provide instructions to the survivor on how to re-establish a connected vehicle service account;
 - (3) terminate or disable covered connected vehicle services for the covered vehicle, including by resetting or deleting any data or wireless connection with respect to the covered vehicle, and provide instructions to the survivor on how to re-establish connected vehicle services; or
 - (4) if the vehicle has an in-vehicle interface, provide information to the survivor about the availability of the in-vehicle interface and how to terminate or disable connected vehicle services using the in-vehicle interface.
- (b) **ACCESS TO ACCOUNT DATA.** – If a covered provider takes action under subsection (a) in response to a connected vehicle service request, the covered provider shall deny a request from the abuser to obtain any data connected to the connected vehicle service maintained by the covered provider that was generated after the abuser’s access to the connected vehicle services was terminated or disabled following a connected vehicle service request.

(c) LIMITATIONS ON PENALTIES, FEES, AND OTHER REQUIREMENTS. – A covered provider may not make any action undertaken pursuant to subsection (a) contingent on any requirement other than the requirements under Section 3, including –

- (1) payment of a fee, penalty, or other charge;
- (2) maintaining or extending the term of a connected vehicle service account;
- (3) approval of the change by the account holder, if the account holder is not the survivor; or
- (4) an increase in the rate charged for the connected vehicle service.

(d) NOTICE TO SURVIVOR.

(1) IN GENERAL. – If a covered provider intends to provide any formal notice to the abuser regarding any action undertaken pursuant to subsection (a), the covered provider shall notify the survivor of the date on which the covered provider intends to give such notice to the abuser.

(2) TIMING. – A covered provider shall take reasonable steps to provide any formal notice to an abuser pursuant to paragraph (1) –

- (A) no less than 3 days after the survivor has been notified; and
- (B) only after the abuser’s access to the connected vehicle service has been terminated or disabled.

(e) TECHNICAL INFEASIBILITY. –

(1) IN GENERAL. – The requirement to effectuate the requested action in subsection (a) shall not apply to a covered provider if the covered provider cannot operationally or technically effectuate the request.

(2) NOTIFICATION. – If a covered provider cannot operationally or technically effectuate the request as described in paragraph (1), the covered provider shall –

- (A) promptly notify the survivor who submitted the connected vehicle service request of that infeasibility; and

(B) provide the survivor with information about whether the operational or technical infeasibility can be remedied and, if so, any steps the survivor can take to assist in remedying such infeasibility.

SECTION 3. CONNECTED VEHICLE SERVICE REQUESTS.

(a) **IN GENERAL.** – When making a connected vehicle service request under this Act, the survivor shall provide –

(1) the vehicle identification number of the covered vehicle;

(2) the name of the abuser subject to the connected vehicle service request; and

(3) either –

(A) proof of sole ownership of the covered vehicle; or

(B) in the case of a vehicle that is not solely owned by the survivor–

(i) proof of exclusive legal possession of the vehicle, which may take the form of a court order awarding possession of the vehicle to the survivor; or

(ii) in the case of a vehicle that is owned in whole or in part by the abuser, a dissolution decree, temporary order, or domestic violence restraining order naming the abuser if the decree or order grants possession of the covered vehicle to the survivor or restricts the abuser’s use of a connected vehicle service against the survivor.

(b) **CONFIDENTIAL AND SECURE TREATMENT OF PERSONAL INFORMATION.** –

(1) IN GENERAL. – A covered provider and any officer, director, employee, vendor, or agent thereof shall treat any information submitted by a survivor under subsection (a) as confidential and securely dispose of the information not later than 90 days after receiving the information.

(2) PROHIBITION ON SHARING. – A covered provider is prohibited from sharing information submitted by a survivor under subsection (a) with any third party without the affirmative consent of the survivor unless such sharing is required to effectuate a connected vehicle service request under subsection (a).

(3) RULE OF CONSTRUCTION. –

(A) IN GENERAL. – Nothing in paragraph (1) shall be construed to prohibit a covered provider from maintaining, for longer than the period specified in that paragraph, a record that verifies that a survivor fulfilled the conditions of a connected vehicle service request under subsection (a).

(B) DATA MINIMIZATION. – The data maintained under subparagraph (A) shall be limited to that which is reasonably necessary and proportionate to verify that a survivor fulfilled the conditions of a connected vehicle service request.

(c) MINIMUM OBLIGATIONS. – The requirements in this Act shall not prohibit or prevent a covered provider from terminating or disabling an abuser’s access to connected vehicle services in emergency situations after receiving a connected vehicle service request.

(d) CHANGES IN OWNERSHIP OR POSSESSION. – The survivor shall take reasonable steps to notify the covered provider of any change in ownership or possession from what was provided under subsection 3(a) when the connected vehicle service request was made that materially impacts the need for action taken by the covered provider under subsection 2(a).

SECTION 4. CONSUMER NOTICES

(a) IN GENERAL. – A covered provider shall make information available about how survivors can make connected vehicle service requests on a publicly available website maintained by the covered provider.

SECTION 5. LIABILITY PROTECTION.

(a) IN GENERAL. – A covered provider and any officer, director, employee, vendor, or agent thereof shall not be subject to liability for any claims deriving from an action taken or omission made with respect to compliance with this Act.

SECTION 6. EFFECTIVE DATE.

(a) IN GENERAL. – A covered provider –

(1) may comply with this Act beginning on the date of enactment; and

(2) shall comply with this Act no later than six months after the date of enactment.

SECTION 7. EFFECT ON OTHER LAWS.

(a) IN GENERAL. – No state or political subdivision of a State may adopt, maintain, enforce, prescribe, or continue in effect any law, regulation, rule, standard, requirement, or other provision having the force and effect of law of any State, or political subdivision of a State, covered by or related to the provisions of this Act, or a rule, regulation or requirement promulgated under this Act.

ATTACHMENT B

SECTION 1. DEFINITIONS.

(a) **ABUSER.** – The term “abuser” means an individual identified by a survivor pursuant to section 3 who has committed or allegedly committed a covered act against a survivor making a connected vehicle services request.

(b) **ACCOUNT HOLDER.** – The term “account holder” means an individual who is –

(1) a party to a contract with a covered provider that involves a connected vehicle service; or

(2) a subscriber, customer, or registered user of a connected service.

(c) **CONNECTED VEHICLE SERVICE.** – The term “connected vehicle service” means any capability provided by or on behalf of a motor vehicle manufacturer that enables a person to remotely obtain data from or send commands to a covered vehicle, which may be accomplished through a software application that is designed to be operated on a mobile device.

(d) **CONNECTED VEHICLE SERVICE REQUEST.** – The term “connected vehicle service request” means a request by a survivor to terminate or disable an abuser’s access to a connected vehicle service.

(e) **COVERED ACT.** –

(1) **IN GENERAL.** – The term ‘covered act’ means conduct that constitutes –

(A) a crime described in section 40002(a) of the Violence Against Women Act of 1994 (34 U.S.C. 12291(a)), including domestic violence, dating violence, sexual assault, stalking, and sex trafficking;

(B) an act or practice described in paragraph (11) or (12) of section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102) (relating to severe forms of trafficking in

persons and sex trafficking, respectively); or

(C) an act under State law, Tribal law, or the Uniform Code of Military Justice that is similar to an offense described in clause (i) or (ii).

(2) CONVICTION NOT REQUIRED. – Nothing in paragraph (1) shall be construed to require a criminal conviction or any other determination of a court in order for conduct to constitute a covered act.

(f) COVERED CONNECTED VEHICLE SERVICE ACCOUNT. – The term “covered connected vehicle services account” means an account or other means by which a person enrolls in or obtains access to a connected vehicle service.

(g) COVERED PROVIDER. – The term ‘covered provider’ means a motor vehicle manufacturer or an entity acting on behalf of the motor vehicle manufacturer that provides a connected vehicle service.

(h) COVERED VEHICLE. – The term ‘covered vehicle’ means a motor vehicle ~~without an in-vehicle interface~~ that is the subject of a connected vehicle request and identified by a survivor pursuant to section 3.

(i) EMERGENCY SITUATION. – The term ‘emergency situation’ means a situation that if allowed to continue poses an imminent threat of serious bodily harm or death to an individual.

(j) IN-VEHICLE INTERFACE. – The term “in-vehicle interface” means a feature or mechanism installed in a vehicle that allows a person within the vehicle to terminate or disconnect connected vehicle services.

(k) SURVIVOR. – The term “survivor” means an individual who is not less than 18 years old and against whom a covered act has been committed or allegedly committed.

SECTION 2. PROTECTION OF ~~DOMESTIC VIOLENCE~~ SURVIVORS.

- (a) **IN GENERAL.** – Notwithstanding an abuser being an account holder, not later than ~~5~~ **2** business days after receiving a connected vehicle service request from a survivor pursuant to Section 3, a covered provider shall take one or more of the following actions –
- (1) terminate or disable a covered connected vehicle service account associated with an abuser identified in the connected vehicle service request pursuant to Section 3;
 - (2) terminate or disable a covered connected vehicle service account associated with the covered vehicle, including by resetting or deleting any data or wireless connection with respect to the covered vehicle, and provide instructions to the survivor on how to re-establish a connected vehicle service account; ~~or~~
 - (3) terminate or disable covered connected vehicle services for the covered vehicle, including by resetting or deleting any data or wireless connection with respect to the covered vehicle, and provide instructions to the survivor on how to re-establish connected vehicle services; ~~or~~
 - (4) **if the vehicle has an in-vehicle interface, provide information to the survivor about the availability of the in-vehicle interface and how to terminate or disable connected vehicle services using the in-vehicle interface.**
- (b) **ACCESS TO ACCOUNT DATA.** – **If a covered provider takes action under subsection (a) in response to a connected vehicle service request, the covered provider shall deny a request from the abuser to obtain any data connected to the connected vehicle service maintained by the covered provider that was generated after the abuser’s access to the connected vehicle services was terminated or disabled following a connected vehicle service request.**
- (c) **LIMITATIONS ON PENALTIES, FEES, AND OTHER REQUIREMENTS.** – A covered provider may not make any action

undertaken pursuant to subsection (a) contingent on any requirement other than the requirements under Section 3, including –

- (1) payment of a fee, penalty, or other charge;
- (2) maintaining or extending the term of a connected vehicle service account;
- (3) approval of the change by the account holder, if the account holder is not the survivor; or
- (4) an increase in the rate charged for the connected vehicle service.

(d) NOTICE TO SURVIVOR.

(1) IN GENERAL. – If a covered provider intends to provide any formal notice to the abuser regarding any action undertaken pursuant to subsection (a), the covered provider shall notify the survivor of the date on which the covered provider intends to give such notice to the abuser.

(2) TIMING. – A covered provider shall take reasonable steps to provide any formal notice to an abuser pursuant to paragraph (1) –

- (A) no less than 3 days after the survivor has been notified; and**
- (B) only after the abuser’s access to the connected vehicle service has been terminated or disabled.**

(e) TECHNICAL INFEASIBILITY. –

(1) IN GENERAL. – The requirement to effectuate the requested action in subsection (a) shall not apply to a covered provider if the covered provider cannot operationally or technically effectuate the request.

(2) NOTIFICATION. – If a covered provider cannot operationally or technically effectuate the request as described in paragraph (1), the covered provider shall –

- (A) promptly** notify the survivor who submitted the connected vehicle service request of that infeasibility; and

(B) provide the survivor with information about ~~potential alternatives to making a connected vehicle service request, such as initiating a new connected vehicle service account for the vehicle~~ whether the operational or technical infeasibility can be remedied and, if so, any steps the survivor can take to assist in remedying such infeasibility.

SECTION 3. CONNECTED VEHICLE SERVICES REQUESTS.

(a) IN GENERAL. – When making a connected vehicle service request under this Act, the survivor shall provide –

- (1) the vehicle identification number of the covered vehicle;
- (2) the ~~identity~~ name of the abuser subject to the connected vehicle service request; and
- (3) either –
 - (A) proof of sole ownership of the covered vehicle; or
 - (B) in the case of a vehicle that is ~~not~~ solely owned ~~or co-owned~~ by the ~~abuser~~ survivor –
 - (i) proof of exclusive legal possession of the vehicle, which may take the form of a court order awarding possession of the vehicle to the survivor; or
 - (ii) in the case of a vehicle that is owned in whole or in part by the abuser, a ~~dissolution decree, temporary order, or~~ domestic violence restraining order naming the abuser if the decree or ~~restraining~~ order grants possession of the covered vehicle to the survivor or ~~addresses restricts~~ the abuser's use of a connected vehicle service against the survivor.

(b) CONFIDENTIAL AND SECURE TREATMENT OF PERSONAL INFORMATION. –

(1) IN GENERAL. – A covered provider and any officer, director, employee, vendor, or agent thereof shall treat any information submitted by a survivor under subsection (a) as confidential and securely dispose of the information not later than 90 days after receiving the information.

(2) PROHIBITION ON SHARING. – A covered provider is prohibited from sharing information submitted by a survivor under subsection (a) with any third party without the affirmative consent of the survivor unless such sharing is required to effectuate a connected vehicle service request under subsection (a).

(3) RULE OF CONSTRUCTION. –

(A) IN GENERAL. – Nothing in paragraph (1) shall be construed to prohibit a covered provider from maintaining, for longer than the period specified in that paragraph, a record that verifies that a survivor fulfilled the conditions of a connected vehicle service request under subsection (a).

(B) DATA MINIMIZATION. – The data maintained under subparagraph (A) shall be limited to that which is reasonably necessary and proportionate to verify that a survivor fulfilled the conditions of a connected vehicle service request.

(c) MINIMUM OBLIGATIONS. – The requirements in this Act shall not prohibit or prevent a covered provider from terminating or disabling an abuser's access to connected vehicle services in emergency situations after receiving a connected vehicle service request.

(d) CHANGES IN OWNERSHIP OR POSSESSION. – The survivor shall take reasonable steps to notify the covered provider of any change in ownership or possession from what was provided under subsection 3(a) when the connected vehicle service request was made that materially

impacts the need for action taken by the covered provider under subsection 2(a).

SECTION 4. CONSUMER NOTICES

(a) **IN GENERAL.** – A covered provider shall make information available about how survivors can make connected vehicle service requests on a publicly available website maintained by the covered provider.

SECTION 5. LIABILITY PROTECTION.

(a) **IN GENERAL.** – A covered provider and any officer, director, employee, vendor, or agent thereof shall not be subject to liability for any claims deriving from an action taken or omission made with respect to compliance with this Act.

SECTION 6. EFFECTIVE DATE.

(a) **IN GENERAL.** – A covered provider –

(1) may comply with this Act beginning on the date of enactment; and

(2) shall comply with this Act no later than six months after the date of enactment.

SECTION 7. EFFECT ON OTHER LAWS.

(a) **IN GENERAL.** – No state or political subdivision of a State may adopt, maintain, enforce, prescribe, or continue in effect any law, regulation, rule, standard, requirement, or other provision having the force and effect of law of any State, or political subdivision of a State, covered by or related to the provisions of this Act, or a rule, regulation or requirement promulgated under this Act.